



General Assembly

February Session, 2002

***Raised Bill No. 540***

LCO No. 2278

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING CHILD CARE LICENSORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-80 of the general statutes, as amended by  
2 section 15 of public act 01-175, is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) No person, group of persons, association, organization,  
5 corporation, institution or agency, public or private, shall maintain a  
6 child day care center or group day care home without a license issued  
7 in accordance with sections 19a-77 to 19a-80, inclusive, and 19a-82 to  
8 19a-87, inclusive. Applications for such license shall be made to the  
9 Commissioner of Public Health on forms provided by him and shall  
10 contain the information required by regulations adopted under said  
11 sections. The forms shall contain a notice that false statements made  
12 therein are punishable in accordance with section 53a-157b.

13 (b) Upon receipt of an application for a license, the Commissioner of  
14 Public Health shall issue such license if, upon inspection and  
15 investigation, he finds that the applicant, the facilities and the program  
16 meet the health, educational and social needs of children likely to  
17 attend the child day care center or group day care home and comply

18 with requirements established by regulations adopted under sections  
19 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive. Each license  
20 except a temporary license shall be for a term of two years, shall be  
21 inalienable, may be renewed upon terms and conditions established by  
22 regulation and may be suspended or revoked after notice and an  
23 opportunity for a hearing as provided in section 19a-84 for violation of  
24 the regulations promulgated under sections 19a-77 to 19a-80, inclusive,  
25 and 19a-82 to 19a-87, inclusive. The commissioner may issue a  
26 temporary license for a term of six months and renewable for another  
27 six months, upon such terms and conditions as shall be provided in  
28 regulations adopted under said sections. The Commissioner of Public  
29 Health shall collect from the licensee of a day care center a fee of two  
30 hundred dollars for each license issued or renewed for a term of two  
31 years and a fee of fifty dollars for each temporary license issued or  
32 renewed for a term of six months. The Commissioner of Public Health  
33 shall collect from the licensee of a group day care home a fee of one  
34 hundred dollars for each license issued or renewed for a term of two  
35 years and a fee of thirty dollars for each temporary license issued or  
36 renewed for a term of six months.

37 (c) The Commissioner of Public Health, within available  
38 appropriations, shall require each prospective employee of a child day  
39 care center or group day care home in a position requiring the  
40 provision of care to a child to submit to state and national criminal  
41 history records checks. The criminal history records checks required  
42 pursuant to this subsection shall be conducted in accordance with  
43 section 29-17a. The commissioner shall also request a check of the state  
44 child abuse registry established pursuant to section 17a-101k. Pursuant  
45 to the interagency agreement provided for in section 10-16s, the  
46 Department of Social Services may agree to transfer funds  
47 appropriated for criminal history records checks to the Department of  
48 Public Health. The commissioner shall notify each licensee of the  
49 provisions of this subsection.

50 (d) The commissioner shall inform each licensee, by way of a plain

51 language summary provided not later than sixty days after the  
52 regulation's effective date, of new or changed regulations adopted  
53 under sections 19a-77 to 19a-80, inclusive, or sections 19a-82 to 19a-87,  
54 inclusive, with which a licensee must comply.

55 (e) All persons employed by the Department of Public Health to  
56 conduct facility inspections as provided in subsection (b) of this section  
57 shall have attained, as a prerequisite to conducting such inspections, a  
58 baccalaureate degree in early childhood education or child  
59 development from a regionally accredited institution of higher  
60 education, and shall have not less than three years of work experience  
61 in early childhood education or child development.

62 Sec. 2. Section 19a-87b of the general statutes, as amended by section  
63 16 of public act 01-175 is repealed and the following is substituted in  
64 lieu thereof (*Effective October 1, 2002*):

65 (a) No person, group of persons, association, organization,  
66 corporation, institution or agency, public or private, shall maintain a  
67 family day care home, as defined in section 19a-77, without a license  
68 issued by the Commissioner of Public Health. Licensure forms shall be  
69 obtained from the Department of Public Health. Applications for  
70 licensure shall be made to the commissioner on forms provided by the  
71 department and shall contain the information required by regulations  
72 adopted under this section. The licensure and application forms shall  
73 contain a notice that false statements made therein are punishable in  
74 accordance with section 53a-157b. Applicants shall state, in writing,  
75 that they are in compliance with the regulations adopted by the  
76 commissioner pursuant to subsection (c) of this section. Before a family  
77 day care home license is granted, the department shall make an  
78 inquiry and investigation which shall include a visit and inspection of  
79 the premises for which the license is requested. Any inspection  
80 conducted by the department shall include an inspection for evident  
81 sources of lead poisoning. The department shall provide for a chemical  
82 analysis of any paint chips found on such premises. The commissioner

83 shall not require an annual inspection for homes seeking license  
84 renewal or for licensed homes, except that the commissioner shall  
85 make unannounced visits, during customary business hours, to at least  
86 thirty-three and one-third per cent of the licensed family day care  
87 homes each year. A licensed family day care home shall not be subject  
88 to any conditions on the operation of such home by local officials,  
89 other than those imposed by the department pursuant to this  
90 subsection, if the home complies with all local codes and ordinances  
91 applicable to single and multifamily dwellings.

92 (b) The Commissioner of Public Health, within available  
93 appropriations, shall require each initial applicant or prospective  
94 employee of a family day care home in a position requiring the  
95 provision of care to a child to submit to state and national criminal  
96 history records checks. The criminal history records checks required  
97 pursuant to this subsection shall be conducted in accordance with  
98 section 29-17a. The commissioner shall also request a check of the state  
99 child abuse registry established pursuant to section 17a-101k, as  
100 amended. The commissioner shall notify each licensee of the  
101 provisions of this subsection.

102 (c) The Commissioner of Public Health shall adopt regulations, in  
103 accordance with the provisions of chapter 54, to assure that family day  
104 care homes, as defined in section 19a-77, shall meet the health,  
105 educational and social needs of children utilizing such homes. Such  
106 regulations shall ensure that the family day care home is treated as a  
107 residence, and not an institutional facility. Such regulations shall  
108 specify that each child be protected as age-appropriate by adequate  
109 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
110 measles, mumps, rubella, hemophilus influenzae type B and any other  
111 vaccine required by the schedule of active immunization adopted  
112 pursuant to section 19a-7f. Such regulations shall provide appropriate  
113 exemptions for children for whom such immunization is medically  
114 contraindicated and for children whose parents object to such  
115 immunization on religious grounds. Such regulations shall also specify

116 conditions under which family day care home providers may  
117 administer tests to monitor glucose levels in a child with diagnosed  
118 diabetes mellitus, and administer medicinal preparations, including  
119 controlled drugs specified in the regulations by the commissioner, to a  
120 child receiving day care services at a family day care home pursuant to  
121 a written order of a physician licensed to practice medicine in this or  
122 another state, an advanced practice registered nurse licensed to  
123 prescribe in accordance with section 20-94a or a physician assistant  
124 licensed to prescribe in accordance with section 20-12d, and the written  
125 authorization of a parent or guardian of such child. Such regulations  
126 shall specify appropriate standards for extended care and intermittent  
127 short-term overnight care. The commissioner shall inform each  
128 licensee, by way of a plain language summary provided not later than  
129 sixty days after the regulation's effective date, of any new or changed  
130 regulations adopted under this subsection with which a licensee must  
131 comply.

132 (d) Applications for initial licensure under this section shall be  
133 accompanied by a fee of twenty dollars and such licenses shall be  
134 issued for a term of two years. Applications for renewal of licenses  
135 granted under this section shall be accompanied by a fee of twenty  
136 dollars and such licenses shall be renewed for a term of two years. No  
137 such license shall be renewed unless the licensee certifies that the  
138 children enrolled in the family day care home have received age-  
139 appropriate immunization in accordance with regulations adopted  
140 pursuant to subsection (c) of this section.

141 (e) All persons employed by the Department of Public Health to  
142 conduct family day care home inspections as provided in subsection  
143 (a) of this section, shall have attained, as a prerequisite to conducting  
144 such inspections, a baccalaureate degree in early childhood education  
145 or child development from a regionally accredited institution of higher  
146 education, and shall have not less than three years of work experience  
147 in early childhood education or child development.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

***Statement of Purpose:***

To establish minimum educational requirements for licensors of child day care centers, group day care homes, and family day care homes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*